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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,924	10/15/2003	Manabu Aizawa	09792909-5699	7047

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EXAMINER	
WHITTINGTON, KENNETH	

ART UNIT	PAPER NUMBER
2862	

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Please find below and/or attached an Office communication concerning this application or proceeding.

ND

Office Action Summary	**Application No.** 10/685,924	**Applicant(s)** AIZAWA ET AL.
	Examiner Kenneth J. Whittington	**Art Unit** 2862

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 February 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6 and 8-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6 and 8-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 February 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☒ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

The Amendment filed February 23, 2006 has been entered and considered.

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on October 18, 2002. It is again noted, however, that Applicant has not filed a certified copy of the JP2002-304990 application as required by 35 U.S.C. 119(b). Until such copy is filed, no priority to such application will be given.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-6 and 8-15 are rejected under 35 U.S.C. 103 as being obvious over Rovner (US 3,825,823) in view Yamada et al. (US 6,407,547), hereinafter Yamada. Regarding claims 1, 8, 14 and 15, Rovner teaches:

a magnetic detection unit having two or more magnetic detection devices with directionality, the magnetic detection devices being disposed at equal intervals based on a predetermined rule in such a way that directionalities thereof are different from each another (See Rovner FIG. 1, items 21-26);

a sampling unit for sequentially switching and sampling electromagnetic conversion outputs of magnetic detection devices of the magnetic detection means (See FIG. 1, item 12 and col. 4, lines 18-56);

a condition determining unit for determining whether or not the electromagnetic conversion output being sequentially switched and sampled by the sampling means meets a predetermined condition (See FIG. 1, items 17, 51 and 52 and col. 4, line 57 to col. 6, line 46); and

a azimuth information output unit for outputting magnetic azimuth information based on a result of the determination of the condition determining means (See FIG. 1, item 28).

However, Rovner does not teach forming the core and coils using a thin film processing using two-layer structure. Yamada teaches a process for manufacturing a fluxgate having a core and coils on a substrate using a thin film processing and creating the coils using a two-layer structure connected together via blinds, such comprising a thin film loop-shaped core, thin film excitation coil and detection coil on a non-magnetic substrate (See Yamada FIGS. 2A, 2B, 3A, 3B and 4A-4E and col. 3, line 29 to col. 4, line 35, note thin film core item 1, thin film coils items U and L, insulating layers items LI and UI, and non non-magnetic substrate 100). It would have been obvious at the time the invention was made to incorporate the manufacturing method as taught by Yamada et al. in the apparatus of Rovner. One having ordinary skill in the art would have been motivated to do so to accurately develop and align the respective exciting coil and detecting coils for improved magnetic field detection and provide a fluxgate requiring only a small space (See col. 1, line 66 to col. 2, line 5 and col. 4, lines 36-46).

Regarding claim 2, the noted combination teaches the magnetic detection means comprises the magnetic detection devices disposed at equal intervals on a circumference of a circle or a polygon (See Rovner FIG. 1).

Regarding claim 3, the noted combination teaches the magnetic azimuth device of the magnetic detection means comprising a magnetic core made of a soft magnetic material, an excitation coil for exciting thereof, and a detection coil for detecting an external magnetic field (See Rovner FIG. 1, items 11, 15 and 21-26).

Regarding claim 4, the noted combination teaches a one loop-shape magnetic core is shared by all of the magnetic detection devices (See Rovner FIG. 1, item 11).

Regarding claim 5, the noted combination teaches one excitation coil is shared by all of the magnetic detection devices (See Rovner FIG. 1, item 15).

Regarding claim 6, the noted combination teaches the magnetic detection coils have the same one end (See Rovner FIG. 1, note that all coils are connected to the common ground).

Regarding claim 9, the noted combination teaches the magnetic core comprising a material that enable provision and elimination of inductive magnetic anisotropy to be carried out with heat treatment in a magnetic field (See Rovner FIG. 1, item 11 and col. 8, lines 47-51, note also that permalloy is a well known soft magnetic material that increases magnetic permeability upon heat treatment-see Non-patent literature internet reference explaining the known heat treatment of permalloy well known since 1923 and Ihara et al., US5,028,280).

Regarding claim 10, the noted combination teaches the sampling means switches electromagnetic conversion outputs of the magnetic detection devices, and performs synchronous detection of a switched signal with a predetermined frequency, thereby sampling a voltage change corresponding to an external magnetic strength (See Rovner FIG. 1, item 12 and col. 4, lines 18-56).

Regarding claim 11, the noted combination teaches the sampling means sequentially operating switches in response to a signal from a binary counter if the number of detection coils of the magnetic detection devices is set to be 2^n, the number of the switches being the same as that of the detection coils (See Rovner FIG. 1, item 12 and col. 4, lines 7-56, note that any number of sensing means can be used in the device of Rovner, encompassing 2^n. Further note the clock means 29 provides a pulse signal for the switches).

Regarding claim 12, the noted combination teaches the condition determining means supplies a trigger signal to the azimuth information output means as a result of determination if the electromagnetic output being sequentially sampled by the sampling means is a maximum, a minimum, or zero crossing (See Rovner FIG. 1, items 17, 51 and 52 and col. 4, line 57 to col. 6, line 46).

Regarding claim 13, the noted combination teaches the azimuth information output means outputs a signal for switching, which is sampled by the sampling means if the trigger signal is received from the condition determining means, as information indicating an azimuth of the external magnetic field (See Rovner FIG. 1, items 17, 51 and 52 and col. 4, line 57 to col. 6, line 46).

Response to Arguments

Applicant's arguments filed February 23, 2006 with respect to the claims as amended have been fully considered but they are not persuasive. The arguments with regard to the anticipation rejection are moot in view of Applicants' amendments to the claims and the withdraw of such rejections.

The only argument for patentability over the pending claims asserted by Applicant is that the prior art references are not combinable, because, as noted by Applicant, Rovner teaches a plurality of sensing means and Yamada teaches only a single sensing means. However, such an argument is not accurate with respect to Yamada. Yamada discloses a loop-shaped core with an excitation coil therearound (See FIG. 1A, core 2 and coil 1) and a plurality of sensing means (See FIGS. 1B and 1C, items 3a/3b and 3c/3d, a coil for each axis). Thus, both Rovner and Yamada teach a plurality of sensing means.

Furthermore, Rovner is being applied to teach the general structure and operation of a fluxgate having coils wrapped around a loop-shaped core. Yamada is being applied to teach that it is well known in the art to make a fluxgate with coils wrapped a loop-shaped core using a thin film processing and a motivation and advantages for doing so. The fact that Yamada has fewer sensing means is not relevant to the rejection since Yamada is only being applied to teach a method of manufacture of fluxgates.

Accordingly, the rejections stand.

Conclusion

Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth J. Whittington whose telephone number is (571) 272-2264. The examiner can normally be reached on Monday-Friday, 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on (571) 272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kenneth J Whittington
Examiner
Art Unit 2862

kjw

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